**Readoption Review Template**

Pursuant to IC 4-22-2.6-4, before an agency readopts an existing rule, the agency must conduct a review to consider the continued need for the rule. A summary of the agency’s finding from this review will be published in the Indiana Register along with the Notice of Readoption. Agencies are encouraged to use this template to facilitate the review and publication process. Agencies should include a response to each high-level section below (denoted with Roman numerals) that covers the information described.

NOTE: Please submit this document in Word or WordPerfect (not PDF). Attached tables may be submitted in Excel.

**TITLE** [IAC TITLE NUMBER] [AGENCY NAME]

**LSA Document #**XX-XXX

1. **Continued Need for the Rule**

This section should include a discussion of whether there is a continued need for the rule. For example, does the problem this rule was intended to address still exist, are the benefits the rule was intended to provide still being provided, is the program this rule covers still in use, etc.

If the need for the rule still exists, the agency must then evaluate whether the rule, if readopted, will meet each of the standards in IC 4-22-2-19.5, which require rules to:

(1) Minimize the expenses to:

(A) regulated entities that are required to comply with the rule;

(B) persons who pay taxes or pay fees for government services affected by the rule; and

(C) consumers of products and services of regulated entities affected by the rule.

(2) Achieve the regulatory goal in the least restrictive manner.

(3) Avoid duplicating standards found in state or federal laws.

(4) Be written for ease of comprehension.

(5) Have practicable enforcement.

As part of this analysis, the agency must identify any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses (as defined in IC 4-22-2.1-4) and other regulated entities. This analysis should examination of new alternatives that may not have existed when the rule was first enacted but have arisen since then.

**II. Analysis of fees, fines, and civil penalties under IC 4-22-2-19.6**

If the rule includes any fees, fines, or civil penalties, the agency must conduct the analysis required under IC 4-22-2-19.6. This includes defining what the fee, fine, or civil penalty is doing / seeking to punish; the circumstances for which the agency will assess a fee, fine, or civil penalty; and provide a calculation of how the agency decided the specific dollar amount (or formula). For a fee, discuss how the amount of a fee is reasonably based on the amount necessary to carry out the purposes for which the fee is imposed. For a fine or civil penalty, discuss how the amount of the fine or civil penalty was determined based on the following considerations as applicable: Whether the violation has a major or minor impact on the health, safety, or welfare of a person or animal; whether the number of previous violations committed by the offender of laws, rules, or programs administered by the agency; the need for deterrence of future violations; and whether the conduct, if proved beyond a reasonable doubt, would constitute a criminal offense, and the level of penalty set by law for the criminal offense. Even if this analysis was conducted when the rule was first enacted, the agency should reexamine it to validate whether the analysis and assumptions are still valid.

**III. Complaints and Comments**

This section should discuss any complaints or comments received from the public concerning the rule or the rule's implementation by the agency.

**IV. Difficulties Encountered**

This section should discuss any difficulties encountered by (A) the agency in administering the rule; or (B) regulated parties in complying with the rule.

**V. Changes in Technology, Economic Conditions, or Other Factors**

This section should discuss the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since the last time the rule was reviewed.

**VI. Revised Regulatory Analysis**

Finally, as part of its review, the agency must reexamine any previous cost benefit, economic impact, fiscal impact, or regulatory burden statements prepared for the rule under IC 4-3-22-13, IC 4-3-27-12, IC 4-22-2-22.7, IC 4-22-2-22.8, IC 4-22-2-28, IC 4-22-2.1-5, or an executive order and revise the statements to reflect any change in circumstances that affect the analysis. This section should discuss any changes.

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